

KIM GENTRY,)
)
 Plaintiff,)
)
 v.) **Case No. 2:08-0123**
) **Judge Echols**
 THE HERSHEY COMPANY,)
 LIBERTY DISTRIBUTION, LLC, and)
 PETCO ANIMAL SUPPLIES, INC.,)
)
 Defendants.)

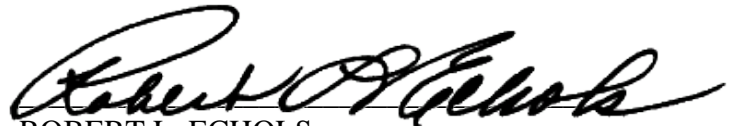
and negligence *per se* claims, but DENIED with respect to Plaintiff's negligence and breach of implied warranty claims;

(6) Defendant Petco Animal Supplies, Inc.'s Motion to Bifurcate Damages Issue at Trial (Docket Entry No. 65) is hereby DENIED AS MOOT; and

(7) Defendant Petco Animal Supplies, Inc.'s Motion to Exclude From Consideration the Untimely Affidavit Testimony of Plaintiff's Designated Expert (Docket Entry No. 89) is hereby GRANTED.

Based on these rulings, the jury trial in this case will commence in Cookeville, Tennessee, at 9:00 a.m. on March 2, 2010 on Plaintiff Kim Gentry's claims against Petco for negligence and breach of implied warranty. The Final Pretrial Conference will be held on February 8, 2010 at 1:30 p.m.

It is SO ORDERED.

A handwritten signature in black ink, appearing to read "Robert L. Echols", written in a cursive style.

ROBERT L. ECHOLS
UNITED STATES DISTRICT JUDGE